

REMARKS

In a Final Office Action dated December 16, 2009, the Examiner rejected claims 1, 2, 4 – 20, and 22 – 46 under 35 U.S.C. §103(a) as being unpatentable over Spencer (US Patent No. 6,356,909, hereinafter “Spencer”) in view of Vanderboom et al. (US Patent Application Publication No. 2002/0147596, hereinafter “Vanderboom et al.”). This rejection is respectfully traversed. Claims 3, 21, 47, and 48 were previously canceled. Claims 1, 2, 4 – 20, and 22 – 46 are pending in this application. Applicants have carefully reviewed the Examiner’s rejection and comments as found in the Final Office Action dated December 16, 2009 and provide the following remarks regarding the Final Office Action and in support of Applicants’ claims.

Claim Rejection – 35 USC §103(a)

The Examiner rejected claims 1, 2, 4 – 20, and 22 – 46 under 35 U.S.C. §103(a) as being unpatentable over Spencer in view of Vanderboom et al. For a *prima facie* case of obviousness to be established, the following factual inquiries as enunciated in *Graham* must be determined: (A) determining the scope and contents of the prior art; (B) ascertaining the differences between the prior art and the claims at issue; (C) determining the level of skill in the pertinent art; and (D) evaluating any evidence of secondary considerations. Further, in *KSR*, a number of rationales for supporting a conclusion of obviousness consistent with the “functional approach” in *Graham* were laid out. Additionally, it is key that the Examiner articulate their reason why the claimed invention would have been obvious, and all claim limitations must be considered. (MPEP 2143) Applicants respectfully submit that Spencer in view of Vanderboom et al. neither forms the basis of nor establishes a *prima facie* case of obviousness.

The Examiner rejected claim 1 stating Spencer teaches “scores automatically tallied.” However, Spencer teaches scores that are tallied by the system using criteria “to create a preliminary scorecard” (col. 4, lines 11 – 13). Since Spencer requires this criteria form for tallying, Spencer does not teach automatically matching the user input data from the selected environmental project surveys with the data representative of the at least one characteristic of each of the resource providers to select one of the environmental projects for funding by at least one of the resource providers without the use of scoring.

The Examiner rejected claims 37, 40, 44, and 45 stating Spencer teaches “preferably there are three outcomes, no response matches the question, one response matches the question, or multiple response matches the question.” Spencer teaches matching responses to each user question; as each response is submitted, the response then is “compiled for a completed proposal” (col. 15, lines 6 and 7). However, Spencer does not teach matching the already completed user modified environmental project survey comprising more than one question, as a whole, with the already completed data representative of the resource provider.

Claims 1, 5 – 12, 18, 23, 37 – 42, and 44 – 46 are amended to recite predefined criteria data categories.

Independent claims 1, 37, 40, 42, and 45 are amended to recite using the input received from a user to modify predefined data categories of a user selected environmental project survey to create a modified environmental project survey.

Neither Spencer nor Vanderboom et al. teach the above-noted structural elements recited in Applicants’ independent claims since neither discloses inputting data received from a user into predefined categories of a user selected environmental project survey to create a modified environmental project survey. Spencer teaches links between questions and responses but does not teach translating user provided input to predefined data categories of a user selected environmental project survey. Vanderboom et al. teaches collecting available information describing the customer or subscriber laboratory’s scientific capabilities and categories. However, Vanderboom et al. does not teach translating such capabilities and categories to predefined criteria data categories.

Therefore, the cited references fail to teach all of the elements recited in Applicants’ independent claims; therefore, these claims are allowable under 35 U.S.C. §103(a).

Conclusion

Applicants respectfully submit that pending claims 1, 2, 4 – 20, and 22 – 46 are in condition for allowance and such a Notice is respectfully requested. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Application No. 10/616,738
Amendment dated May 17, 2010
Response to Final Office Action dated December 16, 2009

Docket No.: 970767.0201PTUS

A Request For Continued Examination, a two-month Petition For Extension Of Time, and the appropriate fees are attached to this paper. If any additional fees are required, please charge our Deposit Account No. 50-1848, under Order No. 970767.0201PTUS from which the undersigned is authorized to draw.

Respectfully submitted,
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